

**House File 69 - Introduced**

HOUSE FILE 69  
BY HEARTSILL

**A BILL FOR**

1 An Act modifying penalties for trespassing.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.8, subsections 1 and 5, Code 2017,  
2 are amended to read as follows:

3 1. ~~Any~~ Except as otherwise provided in this section,  
4 any person who knowingly trespasses upon the property of  
5 another commits a simple misdemeanor, except that any person  
6 who intentionally trespasses as defined in section 716.7,  
7 subsection 2, paragraph "a", subparagraph (7), commits a  
8 serious misdemeanor punishable as a scheduled violation under  
9 section 805.8C, subsection 11.

10 5. A person who commits a trespass while hunting deer,  
11 other than a farm deer as defined in [section 170.1](#) or preserve  
12 whitetail as defined in [section 484C.1](#), commits a simple  
13 misdemeanor punishable as a scheduled violation under section  
14 805.8C, subsection 11. The person shall also be subject to  
15 civil penalties as provided in [sections 481A.130](#) and [481A.131](#).  
16 A deer taken by a person while committing such a trespass shall  
17 be subject to seizure as provided in [section 481A.12](#).

18 Sec. 2. Section 716.8, Code 2017, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 7. Any person who intentionally trespasses  
21 as defined in section 716.7, subsection 2, paragraph "a",  
22 subparagraph (7), commits a serious misdemeanor.

23 Sec. 3. Section 805.8C, Code 2017, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 11. *Trespassing violations.* For trespasses  
26 punishable under section 716.8, subsection 1 or 5, the  
27 scheduled fine is two hundred dollars for a first violation,  
28 five hundred dollars for a second violation, and one thousand  
29 dollars for a third or subsequent violation.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill modifies penalties for trespassing.

34 Under current law, a trespass that does not involve injury  
35 to a person or damages of more than \$200, an intent to commit a

1 hate crime, public utility property, or the intentional viewing  
2 or recording of another person without a legitimate purpose is  
3 a simple misdemeanor and is punishable by a fine between \$65  
4 and \$625, as determined by a court. A court may also order  
5 imprisonment not to exceed 30 days in lieu of or in addition to  
6 a fine.

7 The bill modifies the penalty for a trespass which does not  
8 involve damages of more than \$200, an intent to commit a hate  
9 crime, public utility property, or the intentional viewing  
10 or recording of another person without a legitimate purpose.  
11 Under the bill, such a trespass remains a simple misdemeanor,  
12 but is punishable as a scheduled fine. The fine schedule is  
13 \$200 for the first violation, \$500 for the second violation,  
14 and \$1,000 for third or subsequent violations.